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INDIANA UNIVERSITY
Maurer School of Law
Bloomington



INDIANA LAW UPDATE

A [newsletter](#) for friends of the Indiana University School of Law—Bloomington • March/April 2008 (Vol. 6, No. 1)

Dear Friend,

Indiana Law has started the year 2008 with some big news. As many of you have heard by now, the Lilly Endowment has generously made a \$25 million gift to the Law School — the largest gift in our history. This transformational gift represents a tremendous vote of confidence in our future.



This grant could not have come at a better time. With an increasingly competitive legal market, it is vital that we are able to retain our highly sought-after faculty as well as to bring in the very best new faculty in cutting-edge fields of legal study. Thanks to this investment from the Lilly Endowment, we are now able to make these things happen, enhancing the Law School's scholarly reputation for

years to come.

We celebrate success this year not only in the realm of our faculty research, but also with regard to Indiana Law's reputation for teaching. We are now leading the charge toward transforming legal education by providing our students with exceptional training in legal professionalism. Our revolutionary first-year course gives students the chance to examine the economic and ethical challenges of working in law and the tradeoffs involved in choosing from various legal career paths. This new course has garnered the attention of top law schools nationwide.

In fact, Indiana Law is one of 10 schools (including Harvard, Stanford, Georgetown, and NYU) that have been selected to participate in "The Legal Study Project," co-sponsored by the Carnegie Foundation and Stanford Law School. The project was formed in response to Carnegie's report, *Educating Lawyers: Preparation for the Profession of Law*, an exciting empirical study of legal education. Professors **Bill Henderson**, **Hannah Buxbaum**, and I recently attended the first meeting at Stanford. Among this group of distinguished schools, Indiana Law was recognized as a true leader in thought about legal education.

As we move forward with these exciting developments, we are enormously grateful to the Lilly Endowment and to all of our alumni and friends for their invaluable support. I will be calling on many of you to lend your expertise and insight as we move forward into a very bright future. Thank you.

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All my best,

[Lauren Robel](#), JD'83

Dean and Val Nolan Professor of Law

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Academy of Law Alumni Fellows to be Honored

Indiana Law is proud to announce five new members of the Academy of Law Alumni Fellows, who will be inducted into the Academy on Friday, April 11. These outstanding individuals are recognized with the highest honor the Law School bestows upon its graduates.

Congratulations to **William Lawrence**, JD'79, owner and CEO of B Lawrence Consulting, LLC, and former three-term mayor of Highland Village, Texas; **Elliott Levin**, JD'66, senior partner at Rubin & Levin; **Frank McCloskey**, JD'71 (posthumous), 12-year congressman for Indiana, mayor of Bloomington, Ind., and an attorney with Barnes & Thornburg; **Maryann Mukete**, JD'74, freelance workshop facilitator for Women's Development Programs/Projects in Cameroon; and **Roger Pardieck**, JD'63, partner at the Pardieck Law Firm.

The dinner and induction ceremony will be held from 6 p.m. to 9 p.m. at the Alumni Hall at the Indiana Memorial Union.

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Baier Honored as 2008 Budweiser Conservationist of the Year

Lowell E. Baier, LLB'64, attorney, architect-builder, and avid outdoorsman, was named the 2008 Budweiser Conservationist of the Year. Baier was selected in the annual program that recognizes individuals who have made exceptional contributions to the outdoors and conservation.



The Potomac, Md., resident has dedicated 37 years to wildlife conservation and is president of Boone and Crockett Club, founded in 1887. Baier co-founded the National Capital Area Chapter of Safari Club

International. He is Founding Charter Member No.14 of the Foundation for North American Wild Sheep, serving as an officer or board member for 15 years and national convention chairman from 1978 to 1981. He spearheaded the rescue and preservation of the National Collection of Head and Horns. For the last 25 years, he has played a key role in the renaissance of the B&C Club, a non-profit organization founded in 1887 by Theodore Roosevelt to establish a coalition of dedicated conservationists and sportsmen who would provide the leadership needed to address the issues that affect hunting, wildlife and wild habitat. Baier had a principal role in establishing a B&C post-graduate wildlife program at the University of Montana and in establishing the National Conservation Leadership Institute for mid-career government wildlife managers.

"It is with great humility that I accept this award not only for myself alone, but also for the other three nominees, for my brethren in the Boone and Crockett Club and all of our fellow stewards who labor selflessly in noble service to enhance our country's wildlife and natural resources," said Baier during the Feb. 2 press conference in Las Vegas. "This award would have made Theodore Roosevelt, the founder of the Boone and Crockett Club, America's oldest wildlife conservation organization, immensely proud of his progeny."

Baier was the lead in drafting former President George H. W. Bush's wildlife conservation agenda, a delegate to the White House Conference on Cooperative Conservation, and served on the U.S. Forest Service Centennial Steering Committee. He also spearheaded preserving the birthplace of conservation in America, Theodore Roosevelt's historic 23,550-acre Elkhorn Ranch in North Dakota in 2007.

"For almost the last three years, I've led the charge on behalf of the Boone and Crockett Club to acquire, preserve and protect Elkhorn Ranch, which comprises some 38 square miles immediately adjacent to the Theodore Roosevelt National Park," said Baier. "Proceeds from this award will go into the habitat restoration and interpretive fund for the Elkhorn Ranch, which Theodore Roosevelt established in 1884."

A \$50,000 grant from Budweiser and the National Fish and Wildlife Foundation (NFWF) will be made to Baier to support conservation efforts. In addition, the grant can be matched and the value of the award could reach as much as \$200,000.

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Tinder Confirmed to 7th Circuit



In a 93-0 vote, the Senate confirmed U.S. District Court Judge **John Daniel Tinder**, JD'75, of Indianapolis to a seat on the [U.S. Court of Appeals for the Seventh Circuit](#). The Court, based in Chicago, is the last stop before the U.S. Supreme Court for cases from Indiana, Illinois, and Wisconsin.

Tinder, who is the first jurist with Indiana roots appointed to the 7th Circuit in two decades, was supported in his nomination by Indiana senators Richard Lugar, a Republican, and Evan Bayh, a Democrat. And the American Bar Association gave Tinder the highest rating—"well qualified."

"Throughout John's career, his reputation for personal courtesy, fairness, decency and integrity was equally well-earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle," Lugar said in an Indianapolis Star report.

The Senate's votes on Tinder's earlier promotions—to the district court seat and to U.S. attorney for Indiana's southern district in 1984—also were unanimous. He has held the district court seat since 1987.

Prior to the U.S. attorney's job, the Indianapolis native was a public defender, state prosecutor and private practice attorney in Indianapolis. He also has taught trial advocacy at Indiana Law.

He devotes significant time to global legal education programs in England and the former Yugoslavia tackling important legal and ethical issues. He has also hosted judges and lawyers from South Korea, Taiwan, China, Japan, Liberia, Russia, and other former Soviet Republics for meetings on similar topics.

Tinder was recently inducted to Indiana Law's [Academy of Law Alumni Fellows](#)—the School's highest alumni honor—for his exceptional personal achievements and dedication to the highest standards of the legal profession.

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New Course Connects Students with Leading Appellate Practitioners

Indiana Law is connecting students and the country's leading appellate practitioners

through a class this spring that has students representing clients before the United States Courts of Appeals for the Sixth and Seventh Circuits.

Greg Castanias, JD'90, a partner at Jones Day in Washington D.C., has joined Indiana's Solicitor General **Tom Fisher**, JD'94, and Dean **Lauren Robel**, JD'83, in co-teaching the appellate practice and procedure course, which is designed to provide students with both theoretical and practical knowledge about the appeals process.

Between them, Fisher and Castanias have argued five times before the U.S. Supreme Court, and dozens of times in the various federal appellate courts. In the week of the first class session, Fisher argued the Indiana Voter ID case in the U.S. Supreme Court (he has another scheduled later this spring, which he will moot in front of the class), and Castanias argued a patent-infringement appeal worth several hundred million dollars for DIRECTV. According to Castanias, this was exactly what they hoped to bring to Indiana Law's students with this course. "It's appellate practice taught from the perspective of appellate practitioners who are in the trenches on a daily basis," he said.

Students often graduate with a vague sense of what it means to take an appeal," Fisher added. "We provide more detail, such as how to file an appeal, analyze jurisdictional questions, and prepare briefs and the oral argument."

Castanias envisioned the class while co-authoring *Federal Appellate Practice and Procedure in a Nutshell* with Robert Klonoff, dean of the University of Lewis and Clark Law School. The course, he explained, fits with the Carnegie Report's recommendations on providing more sophisticated and complete lawyering experiences as students move through law school.

In addition to their coursework, students in the class are working on direct criminal and *habeas corpus* cases in the U.S. Courts of Appeals for the 6th and 7th Circuits. "We are so fortunate to have wonderful alumni and friends who are working individually with our students helping them prepare briefs and arguments," said Robel.

Lawyers who are working with students include J.P. Hanlon of Baker & Daniels; **Damon Leichty**, JD'99, Barnes & Thornburg; **George Patton Jr.**, JD'87, and **Bryan Babb**, JD'99, Bose McKinney & Evans; **Geoff Slaughter**, JD'89, Sommer Barnard PC; **Brian Bailey**, JD'00, Ice Miller LLP; **Tom Wheeler**, JD'87, and **Darren Craig**, JD'04, Locke Reynolds LLP; **John Harrington**, JD'95, Jenner & Block; John Nalbandian, Taft Stettinius & Hollister LLP; and Brian Murray and Noel Francisco of Jones Day.

For more on the story, visit the Indiana Law [Web site](#).

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Top Trial Lawyer Teaches Tactics at Indiana Law

Widely recognized as one of the top U.S. trial lawyers prior to his retirement, **John F. "Jack" Kimberling**, JD'50, is currently serving as a visiting professor offering his unparalleled litigation expertise to Indiana Law students.

His class, "Trial Tactics," is designed to help beginning lawyers understand the basic elements of trial law and how to present a case to a jury. Kimberling hopes the class will provide students with the confidence to represent their clients against more experienced lawyers. "The class is a 'how-to-do-it' rather than a review of evidence law," he said. "For example, there are simple practices lawyers should use during cross examination. There are particular questions a lawyer should ask as well as questions they should avoid at all costs."

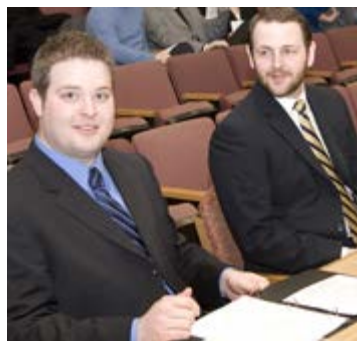
Kimberling previously served as a visiting professor at Indiana Law in 1993, when he taught Professor Alex Tanford's Trial Advocacy course during the litigation specialist's sabbatical leave. Kimberling also returned to IU a few years later to help coach the mock trial team.

"I find teaching very rewarding," he said. "For years afterward, I would receive calls and letters from students telling me that the things we talked about really worked. Other students would call to go over a case they were currently arguing and throw around ideas with me. It's great to see how much they retain, absorb, and use the things we talked about in class or in the mock trials, and they find it beneficial."

The San Diego and Palm Springs, Calif., resident has stayed very busy in his retirement. He is the author of two books, *What This Country Needs* and *How to Try a Jury Case*, and is currently working on a third book on political affairs. He has been an active volunteer and philanthropist in California and at IU. He served as a national co-chair for the IU endowment campaign in the 1990s and established the John F. Kimberling Chair in Law to support faculty scholarship.

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2Ls Schlafer, DeHem Win Moot Court Competition



Brian R. DeHem, left, and **John T. Schlafer**, right, topped fellow competitors **Christina L. Clark** and **Francis Granados**, to win in the final argument of the 2007–2008 [Sherman Minton Moot Court Competition](#), sponsored by Bose McKinney & Evans.

The spring competition problem, [Banta v. Mancini](#), involves the right of a state prisoner to obtain post-conviction DNA testing through a Section 1983 lawsuit —

a question on which the circuits are currently split. It touches on a number of current issues, including the willingness of the law to reexamine closed cases in the face of rapid scientific advances, the interplay of civil rights and habeas statutes, the proper role of federal courts in examining state convictions, and the moral and practical implications for the legal system of the Innocence Project's celebrated success in exonerating prisoners.

"It is always gratifying to see the students perform at a peak level," said Dean **Lauren Robel**, JD'83. "All the finalists were strong in the face of an extremely hot bench."

This year's judges include Hon. Paul Niemeyer of the U.S. Court of Appeals for the Fourth Circuit; Hon. Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit; Hon. **Ronald Reinstei**n, JD'73, a consultant to the Arizona Supreme Court and member of the National Commission on the Future of DNA Evidence, and formerly of the Maricopa County (Arizona) Superior Court; and Prof. **Matt Gutwein**, JD'88, president and CEO of the Marion County Health and Hospital Corporation.

[View the video](#) * or listen to [mp3 audio](#).

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Livingston Selected as Senate Intelligence Committee's Minority Counsel

John R. Livingston Jr., JD'89, was selected as the Minority Counsel for the United States Senate Select Committee on Intelligence at the beginning of the 110th Congress. In this position, he will serve as the principal legal advisor to Senator Kit Bond (R-MO), Vice Chairman of the U.S. Senate Select Committee on Intelligence and the minority staff on intelligence matters. He will also serve on the minority leadership team that assists the Vice Chairman and members of the Committee with formulating the Committee's legislative, budgetary, and oversight priorities as well as serve as the Committee's minority legal liaison with the White House, Congressional leadership, Congressional committees, Congressional member offices, and Intelligence Community agencies. Additionally, he will assist the Vice Chairman and the members of the Committee with the drafting, negotiation, and management of intelligence-related legislation. Livingston previously served as the Committee's General Counsel.

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Miller-Van Oort Named HCBA President

Sonia Miller-Van Oort, JD'97, a partner at the law firm of Flynn Gaskins & Bennett, LLP in Minneapolis and

member of the Indiana Law Alumni Board, was named the 89th President of the Hennepin County Bar Association (HCBA) effective July 1, 2007. The presidency is the pinnacle of a five-year commitment to the association's leadership team. During her year as HCBA president, Miller-Van Oort's goals include finding ways to renew pride and honor in the profession, working to promote and foster diversity within the profession, and exploring ways that the association can offer additional value and interest to its members.



"Serving as the HCBA President has been a wonderful opportunity to collaborate and strategize with fellow Bar members on important issues related to judicial elections, solutions and partnerships for centralizing legal assistance for low-income families, and restoring pride in our profession," she said. "It has been such rewarding experience from which I have learned a ton, and I am very grateful for the Bar's confidence in having me play this role within the organization.

Serving its membership since 1919, the HCBA is Minnesota's largest district bar association. The HCBA provides its 7,900 members with continuing legal education, social events, publications, professional development and mentoring, and opportunities for pro bono work and service to the community.

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Alumna Elected Vice President of AABE's Indiana Chapter



Yolanda D. Edwards, JD'03, of Barnes & Thornburg LLP in Indianapolis, was elected Vice President of the Indiana Chapter of the American Association of Blacks in Energy (AABE). The AABE is a national association of energy professionals founded and dedicated to ensure the input of African Americans and other minorities into the discussions and developments of energy policies regulations, R&D technologies, and environmental issues.

Over the past 30 years, AABE has grown from an initial membership of 14 members to a thriving membership of more than 1,300 members and 35 chapters across the United States. The organization continues to serve as the vehicle by which African Americans and other minorities have a place at the table where energy matters are discussed and decided. Through its scholarships and mentoring initiatives, the organization encourages African American and minority

youth to pursue courses of study that lead to careers in the energy industry; and through its community service initiatives, AABE works to promote better understanding of energy issues, particularly among the African American and minority communities. The organization also partners with many regional, national, and global energy companies on a wide variety of initiatives.

As vice president, Edwards hopes to increase membership in the organization's statewide chapter, provide scholarships and mentoring to students interested in the energy industry, and educate the community about energy conservation, financial resources for those with lower incomes, and alternative sources of power, such as Indiana's emerging biofuels initiatives. "My participation in AABE allows me to bridge my passion for the work I do as an Energy Lawyer with the greater community," said Edwards, whose practice focuses on the energy, public utilities, and transportation industries. "It's a great feeling to give back."

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Gardiner Helps Start 'Web 2.0' Legal Group

The changing face of the Web and the ways people share information online has ushered in a new crop of legal issues. **Sandra (Sheets) Gardiner**, JD'97, a partner at Morris Manning & Martin LLP in Atlanta, has helped to start a new "Web 2.0" legal group. The team focuses on the legal implications of the growing business uses of social networking and content provided by those who are not controlled by the business. They hope to ease the strain on companies by empowering them with up-to-date information that helps them stay ahead of rapidly evolving issues.



"Identifying legal issues in a 'Web 2.0' world requires more than knowledge of applicable law from normally disparate legal disciplines," Gardiner said. "It depends on a clear understanding about how the technology is, and may be, used."

Gardiner co-chairs the firm's Green Business group and is also a member of the Privacy and Security group. Her groundbreaking work includes helping one of the nation's largest Internet providers negotiate deals with several cities for municipal Wi-Fi services. She also counsels companies on new media, clean energy, intellectual property, electronic commerce, telecommunications, payment processing, joint ventures and strategic alliances. She is also a contributor to the book, *The Law of the Internet*.

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Upcoming Conferences Focus on Global Governance, Customary International Law

On March 19-21, the *Indiana Journal of Global Legal Studies* will host a symposium titled "Operationalizing Global Governance" at the Indiana University School of Law —Bloomington. Global governance scholarship has thus far remained in the realm of ideas, identifying new lawmaking authorities and networks of enforcement while analyzing the ramifications for democracy and the rule of law. This conference strives to advance that line of scholarship by identifying patterns in the ways that various actors — states, corporations, civil society, and resulting networks — are confronting complex problems resulting from globalization. The aim is to discover more effective solutions for such problems, including, poverty, environmental degradation and terrorism, and to explore common principles that may cut across substantive contexts. **Hannah Buxbaum**, Associate Dean for Research, Professor of Law, and Louis F. Niezer Faculty Fellow at Indiana Law, is chairing the conference committee.

On April 3-5, "The Individual and Customary International Law Formation" will explore the current disjuncture in customary international law that results in individuals being subjects of this category of law, but not legitimate participants in its formation. During a classical moment in international law, states were believed to have a monopoly on customary international law formation. This position was acceptable and accepted given the status states enjoy as the sole subjects of international law. The end of the 20th century, however, was a period in which legal personhood was extended to a wider range of actors, including individuals. During this same period, individuals came to participate meaningfully in treaty-making in some key areas of international law, including human rights. Unlike in the area of treaty law, however, there remains no recognized opening in traditional customary international law doctrine for individuals to participate in the law-making process. Associate Professor of Law **Christiana Ochoa** is chairing the conference committee.

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New Frontiers Grant to Expand Center's Scholarship Potential

The Indiana University Center for Law, Society, and Culture will expand its scholarship potential thanks to a grant from IU's New Frontiers in the Arts and Humanities program. The interdisciplinary Center, which serves as a catalyst for research innovation and curricular enhancement in several pertinent fields of study, will use the grant to host a year-long reading group and workshop series during the 2008-09 academic year to explore "New Directions in Law & Society Scholarship."

"The questions raised by scholars doing innovative sociolegal work are intellectually significant because they reveal how our understanding of the importance of law has expanded considerably over the last decade, as have our ways of studying its primal

place in societies across the globe," said Indiana Law Professor **Ajay Mehrotra**, a co-principal investigator of the grant.

Next year, the Center will bring in leading international scholars to discuss cutting-edge areas of sociolegal scholarship, such as Law and American Political Development, The Arts and Intellectual Property, Engagements with Empiricism, and Globalism and the Law. As a result, Center participants hope to enhance their own continuing education while providing community support and feedback to fellow scholars presenting works-in-progress.

"We hope that the workshops and reading groups supported by the grant will foster new collaborations among IU faculty interested in the study of law and society and will lead to a new burst of scholarship from them," said Adjunct Law Professor and Sally M. Reahard Professor of History **Michael Grossberg**, who serves as Center director and was a co-principal investigator of the grant.

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Article Discusses Baseball Doping in Latin America

David P. Fidler, the James Louis Calamaras Professor of Law, and **Arturo J. Marciano**, LL.M.'98, M.Sc. in Sports Management (University of Massachusetts-Amherst) and a Venezuelan attorney and sports law expert, recently published a groundbreaking article on addressing the use of performance enhancing drugs in the Latin American minor league operations of Major League Baseball. Their article, "Fighting Baseball Doping in Latin America: A Critical Analysis of Major League Baseball's Drug Prevention and Treatment Program in the Dominican Republic and Venezuela," was published in the *University of Miami International and Comparative Law Review*, Volume 15, Issue 2 (Fall 2007), pp. 107-201.



In this article, Marciano and Fidler describe the seriousness of the problem of the use of performance enhancing drugs by young baseball players and prospects in the Dominican Republic and Venezuela and critically analyze the response to this problem undertaken by MLB. Marciano's and Fidler's article contains the first comprehensive analysis of MLB's drug prevention and treatment program designed for its Latin American minor league operations.

The [report](#) on the use of performance enhancing drugs completed by former Senator George Mitchell in December 2007, and the hearings on the Mitchell Report in Congress held in January 2008 and scheduled for February 2008, makes the Marciano and Fidler analysis very relevant to the ongoing concern about doping in

professional baseball.

For more on the story, visit the Indiana Law [Web site](#).

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In Memoriam: Rodney H. Grove, JD'63

Rodney H. Grove, JD'63, of Evansville, Ind., passed away on Sept. 3, 2007. He began his legal career working for Bamberger, Forman, Oswald & Hahn in 1963 and went on to become a partner at Denton, Gerling & Grove from 1968 to 1971. He was a sole practitioner from 1972 until 1975. In 1989, Rodney and Dennis Brinkmeyer formed the law firm of Grove and Brinkmeyer. Since 1992, Grove was a sole practitioner of the Grove Law Office. His areas of legal expertise included personal injury litigation, labor law, workmen's compensation, family law and general litigation. Grove's professional affiliations and designations included: President of the Evansville Bar Association in 1979; President of the National Conference of Bar Foundations (1985-1987); President of the Indiana Bar Foundation (1979-1982); Chairman of the Pre Trial Section of the Indiana Lawyers Commission; and Chairman of the Disaster Relief section of the American Bar Association (1972-1974). In addition to his professional affiliations, Grove was also involved with Masonic activities throughout the past 15 years. He was raised in Evansville Lodge No. 64 as a Master Mason in 1992 and served as Worshipful Master of the Lodge in 1999. Grove became a Scottish Rite Mason 32nd Degree in 1993. He was the Sovereign Prince of Mordecai Council (1999-2000). Grove was crowned 33rd Degree in the Scottish Rite in 2005.

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In Memoriam: Gene B. Lee, LLB'46

The Honorable **Gene B. Lee**, LLB'46, passed away on Oct. 25, 2007 in Fort Wayne, Ind. From 1946-1962 Judge Lee served as a general practice lawyer and as a partner at Rockhill, Vanderveer, Kennedy & Lee in Warsaw, Ind. From 1963-1979, he served as Kosciusko Circuit Court Judge and was appointed to the federal branch in 1979. As a magistrate in Fort Wayne's U.S. District Court, Judge Lee's cases included that of Daryl Oscar McCleese, who was sentenced to 24 years in prison in 1999 after being charged with conspiracy to distribute more than \$1 million in cocaine. In addition to his professional achievements, Judge Lee was a member of the Warsaw Evangelical Presbyterian Church, Free & Accepted Masons, Warsaw Lodge 73, and the Ancient Accepted Scottish Rite.

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Faculty News



Professor **Amy Applegate** co-hosted a conference titled "For the Sake of the Children: Advances in Family Dispute Resolution" with the IU Department of Psychological and Brain Services. The primary goal of the interdisciplinary conference was to work with state, local, national, and international experts in the legal, social science, and policy areas to consider and evaluate the most effective interventions for high conflict families. As a result of the conference, Applegate has been invited to co-author two articles for the July 2009 edition of the *Family Court Review*. She also served as a presenter at the American Association of Law School's annual conference on a panel titled "Rise of the Pink Collars: Women in the Legal Academy." Applegate's presentation was on "Academic Rights, Responsibilities, and Rewards — the Female Clinician's Perspective."

Professor **John Applegate** presented "Supply and Demand, Bridging and Filling: Making Information Count in Chemical Regulation" at the University of Texas School of Law; and "Facts, Ideas, and a Precautionary Approach to U.S. Climate Change Policy" at the University of Kansas School of Law. He was a peer reviewer for a National Academy of Sciences letter report titled "Draft Supplementary Risk Assessments and Site Suitability Analyses for the National Emerging Infectious Diseases Laboratory."

Professor **Jeannine Bell** presented "Restraining the Heartless: Racist Speech and Minority Rights" at the Freedom of Expression in the United States and Europe conference on Jan. 19 in Paris. She recently published "There Goes the Neighborhood" [book review] 37 *Contemporary Sociology* (2008): 49-50, and "Hate Thy Neighbor: Violent Racial Exclusion and the Persistence of Segregation" 5 *Ohio State Journal of Criminal Law* 47 (Fall 2007).

Professor **Craig Bradley** published "Resurrecting the Sentencing Guidelines," *Trial*, October 2007, p.87; and "Should American Courts Heed the 'English Warnings,'" *Trial*, December 2007, p. 62. He also gave a presentation, "Rehnquist's Legacy in Criminal Procedure," at Rutgers University in Newark, N.J.

Professor **Kevin Brown** delivered a speech titled "What is the Purpose of Black History Month" at DePauw University in Greencastle, Ind. He spoke on a panel titled "Where Do We Go From Here: Affirmative Action, Desegregation and Constitutional Theory?" at the University of Miami Law Review Symposium, "The Future of Affirmative Action: Seattle School District #1, Race, Education, and the Constitution."

As Chair of the Comparative Law Section of the Association of American Law Schools, Professor **Hannah Buxbaum** organized and moderated a panel on "Global Conceptions of Access to Justice" at the AALS 2008 Annual Meeting.

Professor **Fred H. Cate** briefed the President's National Infrastructure Advisory Council on privacy and security issues presented by critical infrastructure industries conducting criminal history record checks on key employees. Cate spoke at Duke

Law School's conference, Data Privacy in Transatlantic Perspective: Conflict or Cooperation, on "Assessing Notice and Consent."

Professor **Kevin Collins** published two articles:

"Constructive Nonvolition in Patent Law, or the Problem of Insufficient Thought Control," 2007 *Wisconsin Law Review* 759 (2007); and "Propertizing Thought, 60 *Southern Methodist University Law Review* 317 (2007) (selected for inclusion in Stanford/Yale Junior Faculty Forum). Collins also presented "Literal Claim Scope, After-Arising Technology, and the Growth/Stability Paradox" at the WIPIIP Conference in Washington, D.C., and "Constructive Nonvolition in Patent Law" at the Intellectual Property Scholars Conference in Chicago, and served on panels for "*MedImmune Inc. v. Genentech Inc.*" at the Association of Patent Law Firms Annual Meeting in New York City, and "Space, Place and Culture Inside Virtual Worlds" at State of Play IV in Singapore.



Professor **Ken Dau-Schmidt** was the Chair of the AALS Section on Law and Economics and organized and participated in this year's section program at the AALS Annual Meeting in New York. The session was called "The Economic Analysis of Labor and Employment Law in the Global Economy."

Professor **Charles Geyh** authored the fourth edition of a judicial ethics treatise. Along with James Alfini, Jeffrey Shaman, and Stephen Lubet, Geyh is writing *Judicial Conduct and Ethics* (4th Ed., Lexis Law Publishing, 2008).

Federal Judge David Hamilton, in his opinion last week upholding the "tier one" analysis for the new-terrain I-69 highway, cited and quoted Professor **Rob Fischman**'s 2004 article, "Predictions and Prescriptions for the Endangered Species Act," to help sort out the relationship between the procedural challenges and the substantive allegations related to the treatment of the endangered Indiana bat in the environmental analysis. The decision is *Hoosier Environmental Council v. U.S. Dept. of Transportation*, 2007 WL 4302642 (S.D. Ind. Dec. 10, 2007).

Fischman's 2004 article, "The Meanings of Biological Integrity, Diversity, and Environmental Health," has been reprinted in a new book titled *Bio-Diversity and Conservation: International Perspectives* (A. Usha ed. 2007). The new (Sept./Oct. 2007) *Refuge Update*, published by the U.S. FWS service, contains an essay by Fischman titled "Reflections on the Tenth Anniversary of the Refuge Improvement Act: The Centrality of the Mission."

He also spoke on two panels at the annual U.S. Fish and Wildlife Service meeting for refuge biologists. One addressed how the national wildlife refuge system could respond to global climate change. The other discussed the use of the term "trust resources" to identify conservation priorities.

Professor **Robert Heidt** wrote a paper titled "When Plaintiffs Are Premium Planners For Their Injury: A Fresh Look at the Fireman's Rule," 82 *Indiana Law Journal* 745-808 (2007).




Professor **Sarah Jane Hughes** presented the working outline of an upcoming book on National Security Letters at the Winter Working Meeting of the ABA's Cyberspace Committee. Hughes will co-author the book with Professor David Fidler, with the assistance of an in-house general counsel. She also participated in a panel discussion at the conference on new laws that may be needed to deal with unique issues in cyber-payments. Hughes briefed members of state legislatures on federal privacy issues at the American Legislative Exchange Council Conference in Washington, D.C. Hughes's article titled "Developments in the Law Concerning Stored-Value Cards and Other Electronic Payment Products," which she co-authored with Stephen Middleton and Broox Petersen, was published in the American Bar Association's journal, *The Business Lawyer*.

Visiting Professor **Feisal Istrabadi** gave a talk titled "The Dynamics of the Conflict in Iraq" at the Stanford Law School Center on International Conflict and Negotiation Feb. 14.

Professor **Leandra Lederman's** article "Stranger Than Fiction': Taxing Virtual Worlds," 82 *New York University Law Review* 1620 (2007), is now in print. She presented her article titled "Tax Appeal: A Proposal to Make the U.S. Tax Court More Judicial" at Capital University Law School as part of its Faculty Lecture Series.

Professor **Jody Madeira** presented "Blood Relations: Collective Memory, Cultural Trauma, and the Prosecution and Execution of Timothy McVeigh" at the National Communication Association Conference in Chicago. Her work was selected as a top paper in the Law and Communication Division.

Professor **Ajay Mehrotra** wrote a book chapter, "From  Berlin to Baltimore: German Historicism and the American Income Tax, 1877-1913," in *Taxation, State and Civil Society in Germany and the United States*, edited by Alexander Nuetzenadel and Christoph Strupp (Nomos Publishers, 2007). He also recently presented "Producing Tax Knowledge: A Brief History of the National Tax Association," (with Joe Thorndike) at the National Tax Association Centennial Conference in Columbus and the Social Science History Association Annual Conference in Chicago.

Professor **Christiana Ochoa** presented "Proposing an Odious Finance Doctrine as a Deterrent to Despotic Finance," at the Indiana Democracy Consortium Workshop Series in Bloomington; and "From Odious Debt to Odious Finance," at the AALS New Voices in Human Rights (selected paper presentation) in New York. Ochoa serves as chair-elect of the AALS Section on International Human Rights and was elected as member of the Executive Committee of the AALS Section on International Law. Her [paper](#), "The Relationship of Participatory Democracy to Participatory Law

Formation," was recently listed on SSRN's Top Ten download list for LSICL: International Human Rights (Topic).

Assistant Dean for Research and Special Projects **Archana Sridhar** has published "Tax Reform and Promoting a Culture of Philanthropy: Guatemala's 'Third Sector' in an Era of Peace," 31 *Fordham International Law Journal* 186 (Dec. 2007).

Professor **Alex Tanford** wrote "E-Commerce in Wine," 3 *Journal of Law, Economics & Policy* 275 (2007).

Professor **Timothy Waters** presented "A Right of Democratic Secession: Normative and Empirical Considerations" at Hebrew University in Jerusalem; and "What Need for Conquest? Legal and Demographic Echoes of War" at the Workshop on Citizenship in Wartime at Tel Aviv University. He also served on a panel titled "Kosovo: Endgame or Renewed Crisis?" at the Indiana Democracy Consortium.

Professor **Susan Williams** delivered a paper titled "Feminist Theory and Freedom of Speech" at a conference on "Free Speech in the United States and in Europe" at the University of Paris II.

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Recent Faculty Media Hits

- [Jim Barnes](#) was quoted in "[Study: BP discharges into Lake Michigan wouldn't harm environment](#)," *Indianapolis Star*.
- [Pat Baude](#) was interviewed on [WFIU](#) about the case before the Supreme Court regarding Guantanamo detainees.
- [Jeannine Bell](#) was quoted in "[Noose's revival is raising the issue of intent](#)," *St. Louis Post-Dispatch*.
- [Hannah Buxbaum](#) was quoted in "[Huge gift to 'build on legacy of excellence'](#)," *Bloomington Herald-Times*.
- [Fred H. Cate](#) was quoted in "[Privacy advocates see video surveillance as threat](#)," *National Journal*; in "[After hacking incident, server security boosted](#)," *The Daily Pennsylvanian*; and "[Mixed signals on privacy concerns](#)," *San Jose Mercury News*. He also appeared on [WNIT](#)'s Michiana Speaks program to discuss identity theft issues. He was interviewed about Rep. Matt Pierce's cybersecurity legislation on [WFIU](#); "[Privacy protection: A 24-hour News 8 special report](#)," WISH-TV; and about Google's announcement of a pilot project with the Cleveland Clinic to make patient records available online, [NewsRadio 610 WIOD](#).
- [Luis Fuentes-Rohwer](#) was quoted in "[Supreme Court to hear voter-ID arguments today](#)," *Louisville Courier-Journal* and [Indianapolis Star](#); and in "[Indiana's voter ID law goes on trial](#)," *Bloomington Herald-Times*. He was also interviewed about the upcoming U.S. Supreme Court case regarding Indiana's voter ID law on [WFIU](#).

- [Charles Geyh](#) was quoted in "Kent may face worse hurdles: Lawyer requests sexual misconduct case be reheard by a higher authority," *Houston Chronicle*; in "[Judging federal judges](#)," *National Law Journal*; and in "[Little public airing of abusive judges](#)," *National Law Journal*.
- [Bill Henderson](#) was quoted in "[E-discovery, globalization top list of tests](#)," *Chicago Law Bulletin*. He was also quoted in "[Huge gift to 'build on legacy of excellence'](#)," *Bloomington Herald-Times*; and in "[New-partner growth takes a hit](#)," *National Law Journal*.
- [Feisal Istrabadi](#) was quoted in "[Seven questions: The de-Bremerification of Iraq](#)," *Foreign Policy Online*. He was also interviewed in "[Military investigation into '05 Haditha killings raises questions](#)," *NewsHour*, and on WFIU's [Noon Edition](#) about military and political problems in Iraq; and interviewed by [CBS Radio](#) about the impending end of the six-month cease-fire announced by Muqtada al-Sadr.
- [Dawn Johnsen](#) was quoted in "[Bush thumbs nose at Congress](#)," *Washington Post*; in "[War contract panel sought](#)," *Richmond Times-Dispatch*; and in "[In signing statement, Bush looks to bypass four laws](#)," *Boston Globe*. She was also quoted in "[Brehm addresses torture controversy](#)," *Bloomington Herald-Times*; and in "[AG won't probe CIA on torture laws](#)," *Boston Globe*. Johnsen was interviewed about the torture controversy on [WFHB](#).
- [Aviva Orenstein](#) was interviewed on [WFIU](#) about the proposed amendment to outlaw same-sex marriage. She was also quoted in "[Here they go again](#)," *Indianapolis Star*.
- [Lauren Robel](#) was quoted in "[Indiana Univ. law school receives \\$25M gift](#)," *National Law Journal*; in "[Huge gift to 'build on legacy of excellence'](#)," *Bloomington Herald-Times*; in "[\\$25M gift to Indiana U's law school](#)," *ABA Journal*; and in "[IU music, law schools get \\$69M gift from Lilly Endowment](#)," *Indianapolis Star*, [WAVE](#), [WSBT](#), [WLFI](#), [Inside Indiana Business](#), [Bloomington Herald-Times](#). She was also quoted in "[IU names finalists for SPEA dean](#)," *Bloomington Herald-Times*.
- [Alex Tanford](#) was quoted in "[Circuits brace for interstate wine sales suits](#)," *National Law Journal*; and in "[Legal battle over wine shipments has ripened](#)," *National Law Journal*.
- [Timothy Waters](#) was quoted in "[U.S., major EU countries recognize Kosovo](#)," *Los Angeles Times*. He wrote [Kosovo: the day after](#), *openDemocracy*; and [Kosovo as Precedent and Pretext: New Debates and Old Lessons](#), *Jurist*.
- [David Williams](#) was quoted in "[IU experts say Castro's exit could open doors for democracy](#)," *Bloomington Herald-Times*.

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